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ABSTRACT

This report presents the findings of a survey of 51 State Directors of the Chapter 1 compensatory education program taken for the purpose of gathering a current database of information analyzing the effectiveness of implementation of the Chapter 1 program, as amended by the Hawkins-Stafford School Improvement Amendments of 1988. The survey consisted of two questionnaires completed either by mail or by telephone. The following topics are discussed: (1) identification of schools that need improvement, including performance standards used by states, how the states measure changes in performance, and how many schools did states identify as needing improvement; (2) number of schoolwide projects; (3) reactions to the U.S. Department of Education's role in helping to implement the regulations for the School Improvement Amendments; and (4) states' reactions to the Technical Assistance Centers (TACs). The following findings are presented: (1) states are using the lowest possible standards allowed by law to determine which schools are in need of such assistance; (2) the number of schoolwide projects has more than tripled from 1988 (180) to 1989 (664); (3) the States were generally satisfied with the Department's assistance; and (4) the TACs received high marks for their assistance. Twenty-four tables are included. The following information is appended: (1) descriptions of Chapter 1 program, program improvement, and schoolwide projects; (2) a copy of each questionnaire; (3) discussion of "Normal Curve Equivalents"; and (4) relevant sections of the Hawkins-Stafford School Improvement Amendments. (JS)

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[COMMITTEE PRINT]

CHAPTER 1 SURVEY OF THE HAWKINS-STAFFORD SCHOOL IMPROVEMENT AMENDMENTS

A REPORT

PREPARED FOR THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

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AUGUSTUS F. HAWKINS, *Chairman*

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INTRODUCTION

On April 28, 1988, the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297), was signed into law. The statute extends and revises most of the Federal elementary and secondary education programs.

Included in these amendments is the reauthorization through 1993 of the Chapter 1 program of the Elementary and Secondary Education Act of 1965 (ESEA) which authorizes Federal assistance for State and local programs of education for disadvantaged pupils. Chapter 1 is the largest Federal elementary and secondary school aid program distributing over $4.5 billion in fiscal year 1990 to school districts to provide programs to strengthen the basic skills of disadvantaged pupils.

Several new provisions are now required in the Chapter 1 program. Two of these provisions are program improvement and schoolwide projects. Program improvement is triggered when a Chapter 1 student shows no improvement in his or her educational performance over a period of time. If no improvement is shown, then modifications must be considered. (See Appendix A)

Another provision in the Chapter 1 program is schoolwide projects which permit schools with at least 75 percent of its enrollment consisting of disadvantaged pupils from low-income families, to conduct Chapter 1 programs throughout the entire school. Schools not meeting this criteria serve pupils only on an individual basis. (See Appendix A)

Throughout 1989, the Subcommittee has been conducting oversight activities to ascertain the status of the implementation of the Hawkins-Stafford School Improvement Amendments. As part of this effort, majority staff conducted a survey of 51 State Directors of the Chapter 1 program (includes the District of Columbia) to determine the status of implementation of program improvement and schoolwide projects.

The survey results establish a useful database of Chapter 1 information. The Subcommittee also received a number of candid expressions from State Directors. As a result, the Committee now has a better understanding of the situation facing both State and local educational agencies and would like to do what is possible to assist them. We realize that many questions remain, and understand that the implementation of the new law represents a period of transition. At the same time, we, at the Federal level, must do all we can to facilitate the changes so that all eligible students receive the assistance they are entitled to.

The appendixes of this report include descriptions of: (a) the Chapter 1 program; (b) program improvement and schoolwide projects; (c) "normal curve equivalents" (NCEs); (d) both question-

naires used to conduct the survey; and (e) a copy of relevant sections of P.L. 100-297.

On April 13, 1990, Congress will have had 25 years of experience with the Chapter 1 program. Considering the new provisions in the 1988 reauthorization, difficulties are to be expected. We, however, encourage the U.S. Department of Education, State educational agencies and local education agencies to do their very best with these new improved provisions, and to continue offering quality services to disadvantaged children in our nation's schools.

SPECIAL ACKNOWLEDGMENT

The Subcommittee would like to take this opportunity to express its appreciation to Dr. Joanne R. Frankel of the General Accounting Office (GAO) for her assistance in the questionnaire design and results analysis of the survey. Her broad fund of knowledge was of invaluable assistance throughout the duration of this study.

Also, we wish to express appreciation to Mr. Kevin Dooley of the General Accounting Office (GAO) for his assistance in the design and implementation of computer-aided telephone interviewing and data analysis programs.

AUGUSTUS F. HAWKINS,
Chairman.

EXECUTIVE SUMMARY

From November 1989 through January 1990, the Majority Staff of the Elementary, Secondary, and Vocational Education Subcommittee of the House Education and Labor Committee surveyed 51 State Directors of the Chapter 1 compensatory education program (includes the District of Columbia). The General Accounting Office (GAO) aided Committee staff in survey design and results analysis.

State Directors were surveyed as part of the Committee oversight activities to gather a current database of information analyzing the effectiveness of implementation of the Chapter 1 program, as amended by the Hawkins-Stafford School Improvement Amendments of 1988. State Directors answered two questionnaires by either mail and/or telephone conversations. (Appendix B)

FINDINGS

PROGRAM IMPROVEMENT

While States have been making good faith efforts to implement the program improvement requirements of the statute, many are using the lowest possible standards allowed by law to determine which schools are in need of such assistance. Although low standards are being used to identify schools, still about nine (9) percent of schools participating in Chapter 1 have been identified as in need of program improvement. Therefore, using a very low performance standard has the effect of reducing the number of schools and thus children, who should be benefiting from program improvement.

ENHANCED FLEXIBILITY

The number of schoolwide projects has more than tripled, from 180 in 1988, to 664 in 1989, indicating many more schools nationwide are now taking advantage of being able to increase educational assistance for all children in eligible schools. In 1988, 32 States had no schoolwide projects; in 1989 only 12 States did not.[1]

REACTIONS TO U.S. DEPARTMENT OF EDUCATION ASSISTANCE

The States were generally satisfied with the U.S. Department of Education's (DOE) assistance during this implementation period, but the Department was faulted for the delay in issuing regulations, and lateness in publishing the Chapter 1 Policy Manual. As of February 9, 1990, the Chapter 1 Policy Manual had still not been officially released.

The Technical Assistance Centers (TACs) received high marks for the assistance they provided to the States.

[1] This data is based on information from 48 States.

RECOMMENDATIONS

PROGRAM IMPROVEMENT

By seizing upon the lowest possible performance standards provided by law for determining which schools should be designated as needing program improvement is interpreting the Statute in the most narrow sense possible. Furthermore, it has the effect of limiting the broadest possible application of the statute. The congressional intent was to provide assistance to all children who need basic skills assistance. Therefore, we encourage the States to use higher "normal curve equivalent", (NCE) (appendix C) levels in determining eligibility for program improvement designation.

REGULATORY ACTION

The U.S. Department of Education should implement regulations in a more expeditious manner so the changes in law can be effected at the State and local levels at a faster pace. The regional meetings the Department has currently scheduled (January–March, 1990) should have been held much sooner in order to assist States and local education agencies in implementing the law.

The Secretary of Education should ensure that the Policy Manual for Chapter 1 be released immediately.

REPORT AND DESCRIPTION OF FINDINGS

CHAPTER 1 SURVEY OF THE IMPLEMENTATION OF THE HAWKINS-STAFFORD SCHOOL IMPROVEMENT AMENDMENTS

PREFACE

Fifty-one State Directors of the Chapter 1 program, including the District of Columbia, were surveyed twice during the months of November, December, 1989, and January, 1990. State Directors were surveyed in regard to the Hawkins-Stafford School Improvement Amendments, to gather information on the status of implementation of the program improvement provisions and schoolwide projects.

Two surveys were conducted. The first questionnaire was field-tested in three States, and then sent nationwide to all States. Some questionnaires were then returned either through the mail or "telefaxed" to the Committee; others were completed over the telephone. The second, follow-up survey, was field tested in five States, and conducted completely by telephone.

In a small number of States, some of the State Directors did not have the information requested readily available. This accounts for a lack of responses to some of the questions.

GENERAL INFORMATION—SURVEY RESULTS

There are at least 14,305 schools districts in 47 States. (Four Chapter 1 State Directors did not have this information available.)

There are at least 45,812 schools in 49 States which are receiving Chapter 1 funds this year. (Two State Directors did not have this information.)

Nationwide, there are at least 4,695,389 students in Chapter 1 schools in 46 States. (Four of the State Directors did not have this data available.)

At least 3,552 schools have been identified as being in need of program improvement. This is based on information received from 43 State Directors. The other State Directors surveyed did not have this information.

MAJOR FINDINGS OF THE SURVEY

I. IDENTIFYING SCHOOLS THAT NEED IMPROVEMENT

A. WHAT PERFORMANCE STANDARDS DO STATES USE?

Of the 48 States reporting on this question:

Three States identify only schools that show a decline in performance. That is, in these States the performance standard is a negative Normal Curve Equivalent (NCE) change. (A discussion and interpretation of NCEs are included in Appendix C.)

Thirty States or over 60 percent identify schools only if they have either shown a decline or no gain at all in NCE scores from one testing period to the next. In other words, the standard for identifying schools in these States is "0" NCE gain.

In the remaining States, schools are identified if they make gains of less than "1" NCE (14 States) or less than "2" NCEs (1 State).

Most States use the same standard for all schools (45 States) and for all grade levels (41 States) within a Local Education Agency (LEA). Forty three States approved the same standard for all their LEAs.

B. HOW DO STATES MEASURE CHANGES IN PERFORMANCE?

Fifty of the 51 States use NCEs in their performance standard. (One State did not identify the measure.) Forty-four States reported that in measuring achievement, they track the same students from one testing period to the next. Most (48 States) look at changes in average scores. But a minority (8 States) also look at movement of students in particular groups, for example, the percentage of Chapter 1 students in the lowest group that make progress.

The latter approach can be more informative than just using averages, since averages may mask performance of some poor (or some good) performers. An example describing this phenonomen is indicated below:

LOOKING AT CHANGES IN PERFORMANCE USING "AVERAGES V. PROPORTION OF STUDENTS" WHO MOVE FROM GROUP: HYPOTHETICAL DATA

	Year 1 score	Year 2 score	Change
Student A	20	10	−10
Student B	20	10	−10
Student C	20	10	−10
Student D	20	10	−10
Student E	20	40	+20
Student F	20	40	+20

Average change = 0
Proportion of students decreasing = 4/6
Proportion of students increasing = 1/6

It is easier for State Education Agencies (SEAs) to analyze change for subgroups—for example, by prior achievement or by other measures such as race, sex, or years in the program—if they have their own database with information for individual students. Nine States have this kind of database. In more than half the States (24 of 42 who answered the question) State directors estimated that only "some" or "a few" school districts had this capability. In 17 States, "all" or "most" school districts can do this.

C. HOW MANY SCHOOLS DID STATES IDENTIFY

Based on 1988–89 test scores, approximately 9 percent of the Chapter 1 schools did not meet State performance standards. This percentage is based on information from 42 States that could report both how many of their schools received Chapter 1 funds

(38,934) and how many of those schools did not meet their performance standards (3,537).[1]

II. Schoolwide Projects

The number of schoolwide projects has more than tripled, increasing from 180 in 1988 to 664 in 1989. This is a growth of 484 schools. Thirty-two States had no schoolwide projects in 1988; this was true of only 12 States in school year 1989. These findings are based on information from 48 States.

III. Reactions to the Department

The Committee surveyed State Directors about the Department of Education's role in working with them to implement the regulations for the School Improvement Amendments. The findings include:

All the States but two attended the six (6) regional meetings the Department held to explain the regulations. Twenty-six States found these meetings to be "somewhat helpful," and 22 said they were "very helpful." On a discordant note, however, 21 States said that the final regulations were not available in time to be used in developing or approving LEA applications for Chapter 1 projects.

Apart from attending the meetings, 44 States received other kinds of assistance from the Department. This assistance most frequently included "telephone calls" (41 States); and "other assistance" (37 States) which included workshops, a visit by Department of Education staffer(s) to the State, and/or the annual Chapter 1 State Directors' meeting. A minority of States (7) were visited by Education Department staff, in most cases, to address statewide or regional meetings.

When asked to rate the assistance, only 6 of the 44 States said that they were "not particularly satisfied". The largest number (23) were "somewhat satisfied". Fifteen States or 34 percent of those receiving assistance from the Department were "very satisfied" with that help.

IV. States' Reactions to the Technical Assistance Centers (TACs)

States' reactions to the Technical Assistance Centers (TACs) were decidedly more positive than their reaction to the Department. That is, the proportion who were "very satisfied" with the TAC's assistance (66 percent or 33 of 50 States receiving assistance) was nearly twice as large as the 34 percent in that category for the Department. These responses are shown below:

---

[1] An additional State reported that it had identified schools, but did not say how many Chapter 1 schools in the State received funds. Therefore, 43 States report 3,552 Chapter 1 schools as not meeting the performance standard. The reported data is based on the number of States that reported both the number of schools identified and also reported the number of Chapter 1 schools in the State receiving Chapter 1 funds. This data provides the only way that the percentage can be computed accurately.

STATES' SATISFACTION WITH ASSISTANCE FROM U.S. DEPARTMENT OF EDUCATION AND TACs

	Satisfaction with U.S. DOE		Satisfaction with TACs	
	Number	Percent	Number	Percent
Very satisfied	15	34	33	66
Somewhat satisfied	23	52	10	20
Not particularly satisfied	6	14	5	10
Don't know	0	0	2	4
Total receiving assistance	44	100	50	100

In order of frequency, the kind of assistance States received from the TACs included: help in developing performance standards (39 States); help in developing methods for profiling schools to identify those that need improvement (31 States); and help in developing a model school improvement plan (30 States).

COMMITTEE'S DISCUSSION OF PERFORMANCE STANDARDS IN PROGRAM IMPROVEMENT

By using performance standards with no or very small "normal curve equivalent" (NCE) gains, States are implying that schools where students make miniscule gains from one year to the next—will not be identified as needing improvement.

In evaluating whether or not this standard is high enough, we need to consider the fact that Chapter 1 serves students who are low achievers. It is much easier for a child who is at the lower end of the scale to make gains than it is for a child in the middle of the distribution.

According to two testing experts, there are at least two reasons for this phenomenon. One is "regression to the mean". This means that when students score low, it's not only because they do not know some of the material, it is also because they were unlucky the day they took the test and a lot of their guesses were wrong. In other words, the students with bad luck congregate in the low group. (The middle group might have students who also do not know the material, but were luckier in their guesses.) The next time the students in the low group take the test, the luck part will be random. Therefore, some of them are bound to do better just because more of their guesses will be correct.

There is a second reason why it is easier for low achieving students to make gains. On most standardized tests, it takes fewer items at the bottom of the distribution than in the middle to show the same growth in NCEs. For example, on the California Achievement Test "Fall-norms" for grade 7, it takes 3 items out of the 70 in the reading battery to make the jump from the 10th to the 20th NCE. On the other hand, it takes 9 items to go from the 45th to the 55th NCE.

Moreover, according to the testing experts, a gain of 1 NCE anyplace on the distribution is not educationally significant. That is, an observer could not distinguish the difference in the performance of two students who differ by that amount.

CONCLUSION

Given these facts, to comply with the spirit of the law, States should require NCE gains larger than "1" for schools that have low scores to begin with.

A summary of the Chapter 1 State Directors' responses to specific questions is shown in the following twenty-four (24) tables:

Has your State approved the same minimum aggregate performance standards for all LEAs or have you approved different minimum standards for different LEAs?

TABLE 1

	Number of States	Percent
Same	43	84.3
Different	7	13.7
Don't know	1	2.0

To see if a school needs improvement, do you track achievement for the same group of students from one testing period to the next?

TABLE 2

	Number of States	Percent
Yes, track same students	44	86.3
No, do not track same students	5	9.8
Don't know	2	3.9

When you or the LEAs apply the standard to identify schools that need improvement, do you look mainly at changes in "average" scores; do you look mainly at changes in the "percentage" of students in a particular group, like the low group; or do you do both?

TABLE 3

	Number of State directors	Percent
Average scores	40	78.4
Percentage of students in group	1	2.0
Do both	8	15.7
Don't know	2	3.9

Does your State have a data base that allows the SEA itself to compute how the scores for individual students in chapter 1 change from one year to the next? In other words, can the SEA track students individually?

TABLE 4

	Number of States	Percent
Yes, can track students at SEA individually	9	17.6
No, cannot track students at SEA individually	42	82.4

I would like to know about what proportion of school districts in your State have that kind of data base—that is, one that allows them to track individual student scores from one year to the next.

TABLE 5

	Number of States	Percent
All	7	13.7
Most	10	19.6
Some	12	23.5
A few	12	23.5
Don't know	1	2.0

Did all schools in the State have to meet the same aggregate performance standard or was the standard different for different schools?

TABLE 6

	Number of States	Percent
Same standard	45	88.2
Different standards	5	9.8
Don't know	1	2.0

Did the standard differ by grade level, or did students at all grade levels have to meet the same standard?

TABLE 7

	Number of States	Percent
Standards differed by grade level	7	13.7
Same standard for all grade levels	41	80.4
Don't know	2	3.9

Based on your 1988-89 testing cycle, what was the minimum change in the measure schools had to show to avoid being identified as needing improvement?

TABLE 8

	Number of States	Percent
"0" NCEs	3	5.9
.1 NCEs	30	58.8
1 NCEs	14	27.5
2 NCEs	1	2.0
Don't know	3	5.9

Were the final regulations developed by the department available to your State in time to use in developing or approving LEA applications for chapter 1 projects?

TABLE 9

	Number of States	Percent
Yes	30	58.8
No	21	41.2

Did you attend the meeting that the Department of Education held in your region to explain the regulations?

TABLE 10

	Number of States	Percent
Yes	49	96.1
No	2	3.9

Would you say that the information presented in that meeting was very helpful; somewhat helpful; or not particularly helpful in clarifying the regulations?

TABLE 11

	Number of States	Percent
Very helpful	22	43.1
Somewhat helpful	26	51.0
Not particularly helpful	1	2.0
Don't know	2	3.9

Aside from the regional meeting, did you or didn't you receive any other kind of assistance from the department to help you implement the regulations?

TABLE 12

	Number of States	Percent
Did receive assistance	44	86.3
Did not receive assistance	7	13.7

Did the assistance you received from the department involve a workshop other than the regional meeting held by the Department of Education?

TABLE 13

	Number of States	Percent
Yes	15	29.4
No	28	54.9
Don't know	1	2.0
Did not receive assistance	7	13.7

Did the assistance you received from the department involve a visit by a Department of Education staffer to your State?

TABLE 14

	Number of States	Percent
Yes	7	13.7
No	37	72.5
Did not receive assistance	7	13.7

Did the assistance you received from the department involve telephone conversations with the department?

TABLE 15

	Number of States	Percent
Yes	41	80.4
No	3	5.9
Did not receive assistance	7	13.7

Did you receive other kind(s) of assistance from the department which helped you in the implementation of the new provisions in the Chapter 1 program?

TABLE 16

	Number of States	Percent
Yes	37	72.5
No	7	13.7
Did not receive assistance	7	13.7

Considering all the kinds of help we have been talking about, from the department would you say that you are very satisfied; somewhat satisfied; or not particularly satisfied?

TABLE 17

	Number of States	Percent
Very satisfied	15	29.4
Somewhat satisfied	23	45.1
Not particularly satisfied	6	11.8
Did not receive assistance	7	13.7

Did the technical assistance centers (TAC) give you any help in understanding or in interpreting the meaning of the regulations?

TABLE 18

	Number of States	Percent
Yes	35	68.6
No	16	31.4

Did the TAC give you any help in developing the performance standard for your State?

TABLE 19

	Number of States	Percent
Yes	39	76.5
No	12	23.5

Did the TAC give you any help in developing a model school improvement plan for your State?

TABLE 20

	Number of States	Percent
Yes	30	58.8
No	21	41.2

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Did the TAC give you help in developing methods for profiling schools to identify those needing improvement?

TABLE 21

	Number of States	Percent
Yes	31	60.8
No	20	39.2

Did the TAC help you in any other areas other than the ones already discussed?

TABLE 22

	Number of States	Percent
Yes	48	94.1
No	3	5.9

I would like to know how satisfied you are with the TAC's assistance. Taking into account all the things I have asked you about, would you say you were very satisfied; somewhat satisfied; or not particularly satisfied.

TABLE 23

	Number of States	Percent
Very satisfied	33	64.7
Somewhat satisfied	10	19.6
Not particularly satisfied	5	9.8
Don't know	2	3.9
Did not receive assistance	1	2.0

During the 1988–89 school year, about how many individual schools in your State had school-wide projects? About how many schools in your State have school-wide projects this year, 1989–1990?

TABLE 24

	Number of schools	Number of States
Schoolwide projects 1988–89	180	48
Schoolwide projects 1989–90	664	48

APPENDIX A

AUGUSTUS F. HAWKINS-ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988

TITLE I—ELEMENTARY AND SECONDARY EDUCATION PROGRAMS REAUTHORIZED

SEC. 1001. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) (other than title X of such Act) is amended to read as follows:

20 USC 2701 note

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Elementary and Secondary Education Act of 1965'.

"TITLE I—BASIC PROGRAMS

"CHAPTER 1—FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN

20 USC 2701

"SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.

"(a) DECLARATION OF POLICY.—In recognition of—

"(1) the special educational needs of children of low-income families and the impact of concentrations of low-income families on the ability of local educational agencies to provide educational programs which meet such needs, and

"(2) the special educational needs of children of migrant parents, of Indian children, and of handicapped, neglected, and delinquent children,

the Congress declares it to be the policy of the United States to—

"(A) provide financial assistance to State and local educational agencies to meet the special needs of such educationally deprived children at the preschool, elementary, and secondary levels;

"(B) expand the program authorized by this chapter over the next 5 years by increasing funding for this chapter by at least $500,000,000 over baseline each fiscal year and thereby increasing the percentage of eligible children served in each fiscal year with the intent of serving all eligible children by fiscal year 1993; and

"(C) provide such assistance in a way which eliminates unnecessary administrative burden and paperwork and overly prescriptive regulations and provides flexibility to State and local educational agencies in making educational decisions.

"(b) STATEMENT OF PURPOSE.—The purpose of assistance under this chapter is to improve the educational opportunities of educationally deprived children by helping such children succeed in the regular program of the local educational agency, attain grade-level proficiency, and improve achievement in basic and more advanced skills. These purposes shall be accomplished through such means as supplemental education programs, schoolwide programs, and the increased involvement of parents in their children's education.

89-7 EPW

CRS Report for Congress

Education for Disadvantaged Children: Major Themes in the 1988 Reauthorization of Chapter 1

Wayne C. Riddle
Specialist in Education Finance
Education and Public Welfare Divison

January 2, 1989

Congressional Research Service • The Library of Congress

Accountability Provisions

The Hawkins-Stafford Act contains several provisions aimed at evaluating the performance of individual pupils, schools, and LEAs served by chapter 1, and at providing technical assistance to those whose performance is not improving. Previous to the enactment of P.L. 100-297, chapter 1 required only that each State educational agency conduct a program evaluation at least once every 2 years, with no requirement that these be conducted in accordance with any national evaluation standards. Under the Hawkins-Stafford Act, chapter 1 evaluations must be conducted at least once every 3 years in each LEA, and at least once every 2 years in every State. Each LEA must also "review" its chapter 1 program operations, particularly its parental involvement activities, every year. These evaluations are to be conducted in accordance with national standards regarding evaluation methods,[14] and are to be used to assess chapter 1 program effects on individual pupils, as well as schools and LEAs as a whole.

The Secretary of Education must submit to the Congress at least once every 2 years a report on State and local chapter 1 evaluations. The Department of Education must also contract with an organization to conduct a national longitudinal study of the effects of chapter 1 programs on participating children. This study must follow a nationally representative sample of chapter 1 participants, and comparable non-participants, through the age of 25 years, and evaluate the effects of chapter 1 participation on

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[14]These national standards are to be developed by the Secretary of Education, in consultation with State and local educational agencies. A similar requirement was contained in the Education Amendments of 1978 (P.L. 95-561), but was superceded by the Education Consolidation and Improvement Act before it was fully implemented.

The Department of Education's proposed national evaluation standards for chapter 1 may be found in the Federal Register of Oct. 21, 1988. p. 41466-41492.

such characteristics as academic achievement, school dropout rates, delinquency, postsecondary education participation, employment and earnings.

All of the P.L. 100-297 accountability provisions refer to the concepts of pupil performance and the desired outcomes of chapter 1 programs. These concepts are not specifically described or defined in the chapter 1 legislation; rather they are to be determined primarily by State and local educational agencies conducting the programs. The legislation does contain provisions allowing SEAs and LEAs to take into account such local conditions as the mobility of the pupil population or the extent of their educational deprivation, or to use indicators of performance other than improved achievement, in developing and applying performance standards. Thus, while the Hawkins-Stafford Act places substantial emphasis on SEA and LEA accountability for program results, the act allows those State and local agencies a great deal of flexibility in setting the standards to which they will be held accountable.

If an individual pupil participates in chapter 1 for 1 year and his/her educational performance does not improve, the LEA must consider modifications in the services provided to that pupil. If pupil performance does not improve after two years of chapter 1 participation, then the LEA is to conduct a "thorough assessment of the educational needs" of the pupil. If the aggregate performance of participating pupils in a school does not improve over 1 year, the LEA must develop and implement a program improvement plan, identifying changes in educational methods and resources that are intended to result in improved program performance. This plan is to be submitted to the SEA, and made available to parents of participating pupils. If implementation of this plan does not succeed in improving pupil performance, a joint program improvement plan is to be established by the LEA and the SEA. Throughout all stages of these processes, technical assistance is to be provided by the SEA and chapter 1 regional technical assistance centers. Specific grants are authorized to help pay the costs of establishing State program improvement plans for chapter 1 (see following section).

A final new accountability provision is contained in P.L. 100-297's amendments regarding chapter 1 schoolwide plans. Both before and after enactment of the Hawkins-Stafford Act, LEAs have been authorized to conduct chapter 1 programs on a schoolwide basis--i.e., without limiting services to the specific pupils determined to be most educationally disadvantaged--in certain schools where 75 percent or more of the pupils were from low-income families. The act modifies this provision to remove a local fund matching requirement, but adds new accountability requirements for schools allowed to use the schoolwide option. After 3 years of schoolwide plan implementation, such schools must demonstrate that the achievement of disadvantaged children enrolled in them is higher than either: the average for children participating in chapter 1 in the LEA as a whole; or the average for disadvantaged children in that school over the 3 years preceding schoolwide plan implementation.

APPENDIX B

COMMITTEE ON EDUCATION AND LABOR
UNITED STATES CONGRESS

QUESTIONNAIRE #1

Name of State ----------

State Director ----------

Date_____

CHAPTER 1 STATE SURVEY

1. How many school districts do you have in the State?

   Number of school districts _____

2. How many school districts receive Chapter 1 funding?

   Number of school districts _____

3. How many schools are there in the State?

   Elementary_____
   Middle schools_____
   High schools_____
   Alternative schools_____

4. How many schools in the State receive Chapter 1 funding?

   Number of schools _____

5. How many students in the State are in Chapter 1 programs?

   Number of students _____

6. What subjects are taught in the Chapter 1 program throughout the State?

   Subjects taught_____

   _____

7. Have you received Chapter 1 funding from the U.S. Department of Education for the 1989-1990 school year?

   1. Yes

   2. No

8. Approximately when did you submit to the U.S. Department of Education the required assurances that meet the requirements of the program improvement section in the Hawkins-Stafford School Improvement Amendments of 1988 (P. L. 100-297)?

Date sent_____

9. When was your most current deadline for receiving plans from the LEAs that would include their program improvement information?

Current deadline date_____

10. Do you have program improvement plans for each of the LEAs throughout the State that meet the requirements of the program improvement section of P.L. 100-297?

1. Yes

2. No

11. How many plans submitted by the LEAs have program improvement provisions?

Number of plans_____

12. Do you believe that you have received adequate guidance and direction from the U.S. Department of Education in your role as implementor of the School Improvement Amendments?

1. Yes

2. No

(If no) What other information would you like to have?

_____

_____

_____

13. Have you asked for technical assistance from the U.S. Department of Education for the implementation of the School Improvement Amendments?

1. Yes

2. No

14. Have you asked for technical assistance from the technical assistance centers?

1. Yes

2. No

(If yes) What type of assistance did you request? _____

_____

_____

Were you satisfied with the assistance provided?

1. Yes

2. No (If no, Why not?)

_____

_____

15. Has your Committee of Practitioners been established?

1. Yes

2. (If yes) Please provide the following:

Name(s) of chairman_____

Date(s) of meetings_____

2. No

(If no) Why not?

_____

_____

16. How many LEAs asked for assistance with identifying schools that may qualify for program improvement?

How many _____

(If yes) A. Approximately how many times have you provided such assistance?

Times provided _____

B. Did you provide assistance in the form of workshops or in-service training?

_____

_____

17. What performance achievements or standards have you established to assess aggregate performances and desired outcomes of Chapter 1 schools (such as NCE gains)?

_____

_____

_____

SCHOOLWIDE PROJECTS

18. Approximately how many times in the 1989-1990 school year, have you provided technical assistance to LEAs in terms of the planning for schoolwide projects?

Number of times _____

19. How many of the school districts within your State have identified school attendance areas that have 75% or more of school-age children coming from low-income families?

Number of school districts _____

20. How many schoolwide projects were operational in the State last year?

Number of school districts_____

21. How many schoolwide projects are currently operational in the State?

Number of schoolwide projects_____

22. How many local plans for schoolwide projects have been submitted this school year?

Number submitted _____

23. How many plans for schoolwide projects have you approved for the 1989-90 school year?

Plans approved _____

24. How many plans for schoowide projects have you rejected for the 1989-90 school year?

Plans rejected _____

What was the reason for the rejection(s)?

_____

_____

26-815 0 - 90 - 3

25. What school districts in your State has the greatest number of schoolwide projects? How many schoolwide projects does that district have?

Name of district _____

Number of projects _____

CONCENTRATION GRANTS

26. How much funding does the State receive from concentration grants for the 1989-1990 school year?

Amount of funding _____

27. How many school districts in the State receive concentration grant funding?

Number of school districts_____

28. Please list the school districts and the amount of funding.

_____

_____

_____

_____

_____

(QUESTIONNAIRE #2)

(1) Has your State approved the SAME minimum aggregate performance standards for all LEAs or have you approved DIFFERENT minimum standards for different LEAs?

(2) To see if a school needs improvement, do you track achievement for the SAME group of students from one testing period to the next?

(3) When you or the LEAs apply the standard to identify schools that need improvement, do you look mainly at changes in AVERAGE scores; do you look mainly at changes in the PERCENTAGE of students in a particular group, like the low group; or do you do both?

(4) Does your State have a data base that allows the SEA ITSELF to compute how the scores for individual students in Chapter 1 change from one year to the next? In other words, can the SEA track students INDIVIDUALLY?

(5) I would like to know about what proportion of school districts in your State have that kind of data base -- that is, one that allows them to track individual student scores from one year to the next.

(6) We would like to know the kind of score used in the aggregate performance standard for this school year.

(7) Did all schools in the State have to meet the same aggregate performance standard or was the standard different for different schools?

(8) Did the standard differ by grade level, or did students at all grade levels have to meet the same standard?

(9) Based on your 1988-89 testing cycle, what was the MINIMUM change in the measure schools had to show to AVOID being identified as needing improvement?

(10) How many schools in your State received Chapter 1 funds for this year?

(11) Based on data from the 1988-89 testing cycle, about how many of these Chapter 1 schools have been identified as not meeting the performance standards we have been talking about?

(12) Were the final regulations developed by the Department available to your State in time to use in developing or approving LEA applications for Chapter 1 projects?

(13) Did you attend the meeting that the Department of Education held in your region to explain the regulations?

(14) Would you say that the information presented in that meeting was very helpful; somewhat helpful; or not particularly helpful in clarifying the regulations?

(15) Aside from the regional meeting, did you or didn't you receive any other kind of assistance from the Department to help you implement the regulations?

(16) Did the assistance you received from the Department involve a workshop other than the regional meeting we just talked about put on by the Department of Education?

(17) Did the assistance you received from the Department involve a visit by a Department of Education staffer to your State?

(18) Did the assistance you received from the Department involve telephone conversations with the Department?

(19) We would like to know how satisfied you are with the assistance the Department has given you in implementing the new regulations.

(20) Considering all the kinds of help we have been talking about, would you say that you are very satisfied; somewhat satisfied; or not particularly satisifed.

(21) Did the technical assistance centers (TAC) give you Any help in understanding or in interpreting the meaning of the regulations?

(22) Did the TAC give you any help in developing the performance standard for your State?

(23) Did the TAC give you any help in developing a model school improvement plan for your State?

(24) Did the TAC give you help in developing methods for profiling schools to identify those needing improvement?

(25) Did the TAc help you in areas other than the ones I have just asked you about?

(26) I would like to know how satisfied you are with the TAC assistance. Taking into account all the things I have asked you about, would you say you were very satisfied; somewhat satisfied; or not particularly satisfied.

(27) During the 1988-89 school year, about how many individual schools in your State had school-wide projects?

(28) About how many schools in your State have school-wide projects this year?

APPENDIX C

Comment paper by Jerry A. Jenkins, Ph.D., Professional Associate at Educational Testing Service (ETS) and Director of the Region C Chapter 1 Technical Assistance Center in Atlanta, Georgia, February, 198

NORMAL CURVE EQUIVALENTS

The Normal Curve Equivalent (NCE) is a scale (score) designed for the exclusive purpose of providing a means for local school districts, states and the USED to assess the impact of Chapter 1 (then Title I) instruction on the average academic achievement of participating children. The scale was created because Percentile Ranks (PRs) cannot be added, subtracted, multiplied or divided due to the fact that the distances between ranks on the PR scale are unequal. Averages can be computed only where the distance between any two points on a scale is equal throughout the scale.

The distances between Percentile Ranks are unequal because the PR distribution is matched to the Normal Curve. A Percentile Rank represents an area of the curve equal to the area of every other PR within the curve. You will recall that an area is the product of width times height. Since the height of the Normal Curve constantly changes from one end to the other, the width must also change in proportion to the height in order to keep the areas equal. The width of an area of the curve represents a Percentile Rank difference.

The NCE was matched to the PR distribution at the 1st, 50th, and 99th Percentile Ranks, with the distance between these three points equally divided into 100 individual scores, (i.e. 1st through 99th, inclusive) without regard to area. The NCE distribution was tied to the PR distribution since the latter is bound to the Normal Curve and, therefore, can be used with any test. Because NCEs are values from an equal interval scale, they can be averaged, and the averages may be used to make overall pretest to posttest comparisons.

However, difficulties arise if one tries to interpret NCEs in terms of educational growth. As stated earlier, PRs are based upon actual test score distributions obtained from norming groups of children. NCEs are mathematically contrived. Since the two scale distributions were arbitrarily matched and have unlike interval characteristics, the distance between pairs of NCEs is different for corresponding pairs of PRs throughout each half of the Normal Curve.

For example, a change of one PR between the 1st and 2nd PRs will show a difference of 7 NCEs. Between the 49th and 50th PRs (also a change of one PR), the NCE difference is only 1/2 of one PR (.5). Thus, the amount of real academic growth associated with an NCE gain cannot be consistently interpreted across the NCE scale.

The PR may be interpreted as simply showing where a child's raw score would typically rank within a group of 100 scores obtained from children with similar characteristics to those of the norm group. Thus, it is the most common and probably the most appropriate type of test score to use for interpreting educational growth of individual children or groups of children. It is appropriate since Percentile Ranks are based upon the actual test results of children.

Therefore, we recommend the use of NCEs only for meeting evaluation requirements, i.e., computing and reporting average achievement gains. For interpreting group and individual child academic growth, we strongly recommend the use of Percentile Ranks.

If you have additional questions or desire additional explanation, please call your TAC Region C State Coordinator at 1-800-241-3865.

12. INTERPRETING NCEs

G. Kasten Tallmadge

The Need for Normal Curve Equivalents (NCEs)

To be useful for the purpose of measuring the impact of instructional treatments, a metric must be (a) accurate in reflecting achievement levels, (b) composed of equal-size units, (c) sensitive to small gains, and (d) meaningful to the users. In addition, if comparisons are to be made or data aggregated, the metric must be usable with different test instruments. NCEs were developed because the most widely used types of scores are deficient in one or more of these respects.

Grade equivalents are the most popular scores. They are also the most grossly inadequate. Their most serious deficiency stems from the manner in which they are constructed by the test publishers. Contrary to popular belief these scores often do not reflect the average level of performance of children at the corresponding grade level. Errors of several months are not uncommon and are large enough to make an unsuccessful project look successful or a successful project appear unsuccessful (see the paper in this volume entitled "Problems with Grade-Equivalent Scores").

A second problem with grade-equivalent scores is that they are scaled in such a way that it is not legitimate to aggregate or average them. An equally important problem is that they appear to be easy to understand when in reality they engender a great deal of misunderstanding.

The common impression that a pupil who scores 2 years above or below grade level is doing the same work as children in those grades is fundamentally incorrect. The concept that being at grade level is "good," when it really just means being "average," is also quite common, as is the related belief that more than 50% of the population can be at or above grade level. Finally, there is the misconception that being a year below grade level has the same meaning for all grades when, in fact, a year-below-grade-level second grader is in the lowest tenth of the national distribution while a year-below-grade-level sixth grader is only slightly below average.

Percentiles are closely related to NCEs but, like grade equivalents, cannot legitimately be aggregated or averaged. Percentiles do not form an equal-interval scale and thus have different meanings at different places in the distribution. A gain of 5 percentile points is actually much larger if it occurs at either end of the distribution than if it occurs in the middle.

Stanines are even more closely related to NCEs and can be aggregated and averaged. They were originally developed so that test scores could be recorded in a single column of a computer punchcard. As a result they are quite coarse-grained, a characteristic that has the advantage of discouraging the over-interpretation of individual (as opposed to group) scores. Unfortunately, it also makes stanines less sensitive to small gains, although this effect is negligible except with very small groups. The main difficulty with stanines is their lack of intuitive meaningfulness.

T-scores possess all the desirable features of stanines and are much finer grained. Thus they would be acceptable for use in the system except for the fact that they have no intrinsic meaningfulness for either educators or parents.

What Are NCEs?

NCEs are normalized standard scores. They share these characteristics with T-scores and stanines. NCEs have a mean of 50, as do T-scores, and a score of 50 on both scales matches the 50th percentile of the national distribution.

NCEs were constructed to have a standard deviation of 21.06. This value was selected because it produces an exact match between NCEs of 1 and 99 and percentiles of 1 and 99. NCEs thus have the same range (1 to 99) and midpoint (50) as percentiles. It is from this correspondence that NCEs derive their meaningfulness.

While one NCE, on the average, equals one percentile, in specific instances the equality almost never holds. This situation exists because NCEs form what is called an equal-interval scale (based on the assumption that the characteristic measured is normally distributed in the national population). A gain of 5 NCEs represents exactly the same amount of performance improvement for pupils at the extreme low end of the achievement distribution as it does for average achievers. As pointed out earlier, the percentile scale does not have this characteristic. The two scales laid side by side look like this:

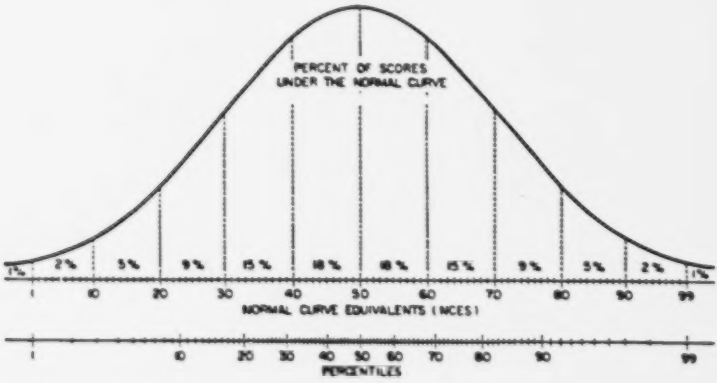

Figure 1. Relationship between normal curve equivalents and percentiles.

and it is easy to see that percentiles are big at the ends and small in the middle while NCEs are the same size from one end of the scale to the other.

Because NCEs are an equal-interval scale, they can legitimately be aggregated and averaged. Because percentiles are not an equal-interval scale, they cannot legitimately be aggregated or averaged.[1]

Hints for Making NCEs More Meaningful

Scales of any kind become meaningful through associations. We know, for example, that 20°F is cold, that 72°F is comfortable and that 95°F is hot. As we switch over to the Celsius scale, we will at first translate temperatures into their Fahrenheit equivalents. Before long, however, we will "know" the coldness of -6°C, the comfort of 19°C, and the heat of 30° C, without any need to translate. Eventually the same sort of understanding will emerge for NCEs. To help during the transition period, however, the following associations are offered.

NCEs are like percentiles. Both an NCE of 50 and a percentile of 50 are exactly average. While NCEs do not match percentiles at other points (except for 1 and 99), the analogy is quite useful when trying to describe achievement gains measured in NCEs. While it is not strictly correct to talk about NCE gains as if they were percentile gains, it will probably facilitate communication and enhance understanding to do so. This is particularly true since most people tend to think of percentiles as if they were an equal-interval scale and would be somewhat confused to learn that a gain from percentile 5 to percentile 10 is almost exactly twice as big as a gain from percentile 15 to percentile 20.

---

[1]Clearly, an average of two numbers should be the value half way between them. If NCEs of 50 and 90 are averaged, it can be seen that the answer, 70, falls at the midpoint of the interval on the NCE scale illustrated above. If percentiles of 50 and 90 are averaged, it can be seen that the answer, 70, falls much nearer to the 50 than to the 90 on the percentile scale.

An NCE of 50 is at grade level. Regardless of the time of year at which testing is done and the grade level tested, a properly derived NCE score of 50 will always be the national average for that grade level and month. Being average means being exactly at grade level. NCEs below 50 signal below-average achievement levels or below-grade-level performance. An NCE of 30 is exactly the same distance below grade level at every grade while "a year below grade level" has a different meaning at each grade. Finally, an NCE of 30 is always exactly twice as far below grade level as an NCE of 40 while "two years below grade level" is never twice as much as "one year below grade level" (believe it or not)!

An NCE gain of zero means that the Title I project produced no gain. A zero NCE gain does not mean that the student or group of students learned nothing between pretest and posttest. They almost certainly answered more items correctly at the end of the instructional period than at the beginning. The zero NCE gain simply means that the amount of learning was precisely what would have been expected had there been no Title I project—in other words it means that the Title I project added exactly nothing to the regular school program.

All NCE gains greater than zero are good! Whenever the evaluation shows an NCE gain greater than zero, it means that the Title I pupils profited from participating in the project. In general, the larger the NCE gain, the more effective the project. It is not possible, however, to designate any specific NCE gain as the criterion for exemplary or outstanding projects. A cost-effectiveness criterion seems more appropriate. Assuming that the same number of dollars were spent, it would seem appropriate to consider that a 4-NCE gain produced in a project group of 200 pupils would be equal to an 8-NCE gain produced in a project group of 100 pupils.

APPENDIX D

AUGUSTUS F. HAWKINS-ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988

Disadvantaged persons
20 USC 2725

"SEC. 1015. SCHOOLWIDE PROJECTS.

"(a) USE OF FUNDS FOR SCHOOLWIDE PROJECTS.—In the case of any school serving an attendance area that is eligible to receive services under this part and in which, for the first year of the 3-year period of projects assisted under this section, not less than 75 percent of the children are from low-income families or any eligible school in which not less than 75 percent of the children enrolled in the school are from low-income families, the local educational agency may carry out a project under this part to upgrade the entire educational program in that school if the requirements of subsections (b), (c), (d), and (e) are met.

"(b) DESIGNATION OF SCHOOLS.—A school may be designated for a schoolwide project under subsection (a) if—

"(1) a plan has been developed for that school by the local educational agency and has been approved by the State educational agency which—

"(A) provides for a comprehensive assessment of educational needs of all students in the school, in particular the special needs of educationally deprived children;

"(B) establishes goals to meet the special needs of all students and to ensure that educationally deprived children are served effectively and demonstrate performance gains comparable to other students;

"(C) describes the instructional program, pupil services, and procedures to be used to implement those goals;

"(D) describes the specific uses of funds under this part as part of that program; and

"(E) describes how the school will move to implement an effective schools program as defined in section 1471, if appropriate;

"(2) the plan has been developed with the involvement of those individuals who will be engaged in carrying out the plan, including parents, teachers, librarians, education aides, pupil services personnel, and administrators (and secondary students if the plan relates to a secondary school);

"(3) the plan provides for consultation among individuals described in paragraph (2) as to the educational progress of all students and the participation of such individuals in the development and implementation of the accountability measures required by subsection (e);

"(4) appropriate training is provided to parents of children to be served, teachers, librarians, and other instructional, administrative, and pupil services personnel to enable them effectively to carry out the plan;

"(5) the plan includes procedures for measuring progress, as required by subsection (e), and describes the particular measures to be used; and

"(6)(A) in the case of a school district in which there are one or more schools described in subsection (a) and there are also one or more other schools serving project areas, the local educational agency makes the Federal funds provided under this part available for children in such schools described in subsection (a) in amounts which, per educationally deprived child served, equal or exceed the amount of such funds made available per educationally deprived child served in such other schools; and

"(B) the average per pupil expenditure in schools described in subsection (a) (excluding amounts expended under a State compensatory education program) for the fiscal year in which the plan is to be carried out will not be less than such expenditure in such schools in the previous fiscal year, except that the cost of services for programs described in section 1018(d)(2)(A) shall be included for each fiscal year as appropriate only in proportion to the number of children in the building served in such programs in the year for which this determination is made.

"(c) APPROVAL OF PLAN; OPERATION OF PROJECT.—

"(1) The State educational agency shall approve the plan of any local educational agency for a schoolwide project if that plan meets the requirements of subsection (b).

"(2) For any school which has such a plan approved, the local educational agency—

"(A) shall, in order to carry out the plan, be relieved of any requirements under this part with respect to the commingling of funds provided under this chapter with funds available for regular programs;

"(B) shall use funds received under this part only to supplement, and to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the school approved for a schoolwide project under paragraph (1);

"(C) shall comply with the provisions of section 1018(c); and

"(D) may not be required to identify particular children as being eligible to participate in projects assisted under this part but shall identify educationally deprived children for purposes of subsections (b) and (e) of this section.

"(d) USE OF FUNDS.—In addition to uses under section 1011, funds may be used in schoolwide projects for—

"(1) planning and implementing effective schools programs, and

"(2) other activities to improve the instructional program and pupil services in the school, such as reducing class size, training staff and parents of children to be served, and implementing extended schoolday programs.

"(e) ACCOUNTABILITY.—

"(1) The State educational agency may grant authority for a local educational agency to operate a schoolwide project for a period of 3 years. If a school meets the accountability requirements in paragraphs (2) and (3) at the end of such period, as determined by the State educational agency, that school will be allowed to continue the schoolwide project for an additional 3-year period.

"(2)(A) Except as provided in subparagraph (B), after 3 years, a school must be able to demonstrate (i) that the achievement level of educationally deprived children as measured according to the means specified in the plan required by subsection (b) exceeds the average achievement of participating children districtwide, or (ii) that the achievement of educationally deprived children in that school exceeds the average achievement of such children in that school in the 3 fiscal years prior to initiation of the schoolwide project.

"(B) For a secondary school, demonstration of lower dropout rates, increased retention rates, or increased graduation rates is acceptable in lieu of increased achievement, if achievement levels over the 3-year schoolwide project period, compared with the 3-year period immediately preceding the schoolwide project, do not decline.

Public information.

"(3) Schools shall annually collect achievement and other assessment data for the purposes of paragraph (2). The results of achievement and other assessments shall be made available annually to parents, the public, and the State educational agency.

20 USC 2726.

"SEC. 1016. PARENTAL INVOLVEMENT.

"(a) FINDINGS; GENERAL REQUIREMENT.—

"(1) Congress finds that activities by schools to increase parental involvement are a vital part of programs under this chapter.

"(2) Toward that end, a local educational agency may receive funds under this chapter only if it implements programs, activities, and procedures for the involvement of parents in programs assisted under this chapter. Such activities and procedures shall be planned and implemented with meaningful consultation with parents of participating children and must be of sufficient size, scope, and quality to give reasonable promise of substantial progress toward achieving the goals under subsection (b).

"(3) For purposes of this section, parental involvement includes, but is not limited to, parent input into the design and implementation of programs under this chapter, volunteer or paid participation by parents in school activities, and programs, training, and materials which build parents' capacity to improve their children's learning in the home and in school.

"(b) GOALS OF PARENTAL INVOLVEMENT.—In carrying out the requirements of subsection (a), a local educational agency shall, in coordination with parents of participating children, develop programs, activities, and procedures which have the following goals—

"(1) to inform parents of participating children of the program under this chapter, the reasons for their children's participation in such programs, and the specific instructional objectives and methods of the program;

"(2) to support the efforts of parents, including training parents, to the maximum extent practicable, to work with their children in the home to attain the instructional objectives of programs under this chapter and to understand the program requirements of this chapter and to train parents and teachers to build a partnership between home and school;

"(3) to train teachers and other staff involved in programs under this chapter to work effectively with the parents of participating students;

"(4) to consult with parents, on an ongoing basis, concerning the manner in which the school and parents can better work together to achieve the program's objectives and to give parents a feeling of partnership in the education of their children;

"(5) to provide a comprehensive range of opportunities for parents to become informed, in a timely way, about how the program will be designed, operated, and evaluated, allowing opportunities for parental participation, so that parents and educators can work together to achieve the program's objectives; and

"(6) to ensure opportunities, to the extent practicable, for the full participation of parents who lack literacy skills or whose native language is not English.

"(c) MECHANISMS FOR PARENTAL INVOLVEMENT.—

"(1) Each local educational agency, after consultation with and review by parents, shall develop written policies to ensure that parents are involved in the planning, design, and implementation of programs and shall provide such reasonable support for parental involvement activities as parents may request. Such policies shall be made available to parents of participating children.

"(2) Each local educational agency shall convene an annual meeting to which all parents of participating children shall be invited, to explain to parents the programs and activities provided with funds under this chapter. Such meetings may be districtwide or at the building level, as long as all such parents are given an opportunity to participate.

"(3) Each local educational agency shall provide parents of participating children with reports on the children's progress, and, to the extent practical, hold a parent-teacher conference with the parents of each child served in the program, to discuss that child's progress, placement, and methods by which parents can complement the child's instruction. Educational personnel under this chapter shall be readily accessible to parents and shall permit parents to observe activities under this chapter. Reports.

"(4) Each local educational agency shall (A) provide opportunities for regular meetings of parents to formulate parental input into the program, if parents of participating children so desire; (B) provide parents of participating children with timely information about the program; and (C) make parents aware of parental involvement requirements and other relevant provisions of programs under this chapter.

"(5) Parent programs, activities, and procedures may include regular parent conferences; parent resource centers; parent training programs and reasonable and necessary expenditures associated with the attendance of parents at training sessions; hiring, training, and utilization of parental involvement liaison workers; reporting to parents on the children's progress; training and support of personnel to work with parents to coordinate parent activities, and to make contact in the home; use of parents as classroom volunteers, tutors, and aides; provision of school-to-home complementary curriculum and materials and assistance in implementing home-based education activities that reinforce classroom instruction and student motivation; provision of timely information on programs under this chapter (such as program plans and evaluations); soliciting parents' suggestions in the planning, development, and operation of the

program; providing timely responses to parent recommendations; parent advisory councils; and other activities designed to enlist the support and participation of parents to aid in the instruction of their children.

"(6) Parents of participating children are expected to cooperate with the local educational agency by becoming knowledgeable of the program goals and activities and by working to reinforce their children's training at home.

"(d) COORDINATION WITH ADULT EDUCATION ACT.—Programs of parental involvement shall coordinate, to the extent possible, with programs funded under the Adult Education Act.

"(e) ACCESSIBILITY REQUIREMENT.—Information, programs, and activities for parents pursuant to this section shall be provided, to the extent practicable, in a language and form which the parents understand.

Disadvantaged persons.
20 USC 2727.

"SEC. 1017. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) GENERAL REQUIREMENTS.—To the extent consistent with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency shall, after timely and meaningful consultation with appropriate private school officials, make provisions for including special educational services and arrangements (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) in which such children can participate and which meet the requirements of sections 1011(a), 1012(b)(1), 1013, 1014, and 1018(b). Expenditures for educational services and arrangements pursuant to this section for educationally deprived children in private schools shall be equal (taking into account the number of children to be served and the special educational needs of such children) to expenditures for children enrolled in the public schools of the local educational agency.

"(b) BYPASS PROVISION.—

"(1) If a local educational agency is prohibited by law from providing for the participation in special programs for educationally deprived children enrolled in private elementary and secondary schools as required by subsection (a), the Secretary shall waive such requirements, and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a).

"(2) If the Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of educationally deprived children enrolled in private elementary and secondary schools as required by subsection (a), the Secretary shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a), upon which determination the provisions of subsection (a) shall be waived.

"(3)(A) The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other concerned organizations or individuals concerning violations of this section. The Secretary shall investigate and resolve each such complaint within 120 days after receipt of the complaint.

"(B) When the Secretary arranges for services pursuant to this subsection, the Secretary shall, after consultation with the appropriate public and private school officials, pay to the provider the cost of such services, including the administrative cost of arranging for such services, from the appropriate allocation or allocations under this chapter.

"(C) Pending final resolution of any investigation or complaint that could result in a determination under this subsection, the Secretary may withhold from the allocation of the affected State or local educational agency the amount the Secretary estimates would be necessary to pay the cost of such services.

"(D) Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the local educational agency to meet the requirements of subsection (a).

"(4)(A) The Secretary shall not take any final action under this subsection until the State educational agency and local educational agency affected by such action have had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or a designee to show cause why such action should not be taken.

"(B) If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under subparagraph (A) of this paragraph, it may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

"(C) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify the previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(D) Upon the filing of a petition under subparagraph (B), the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(c) PRIOR DETERMINATION.—Any bypass determination by the Secretary under title I of the Elementary and Secondary Education Act of 1965, as in effect prior to July 1, 1988, or chapter 1 of the Education Consolidation and Improvement Act of 1981 shall remain in effect to the extent consistent with the purposes of this chapter.

"(d) CAPITAL EXPENSES.—

"(1) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with the provisions of this subsection. State educational agen-

cies shall distribute funds to local educational agencies based on the degree of need as set forth in the application. Such an application shall contain information on such capital expenses by fiscal year and shall contain an assurance that any funds received pursuant to this subsection shall be used solely for purposes of the program authorized by this chapter.

"(2)(A) From the amount appropriated for the purposes of this subsection for any fiscal year, the amount which each State shall be eligible to receive shall be an amount which bears the same ratio to the amount appropriated as the number of children enrolled in private schools who were served under chapter 1 of the Education Consolidation and Improvement Act of 1981 in the State during the period July 1, 1984 through June 30, 1985, bears to the total number of such children served during such period in all States.

"(B) Amounts which are not used by a State for the purposes of this subsection shall be reallocated by the Secretary among other States on the basis of need.

Appropriation authorization

"(3) There is authorized to be appropriated $30,000,000 for fiscal year 1988, $40,000,000 for the fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993. Any sums appropriated under this provision shall be used for increases in capital expenses paid from funds under chapter 1 of the Education Consolidation and Improvement Act or this section subsequent to July 1, 1985, of local educational agencies in providing the instructional services required under section 557 of the Education Consolidation and Improvement Act and this section, when without such funds, services to private schoolchildren would have been or have been reduced or would be reduced or adversely affected.

"(4) For the purposes of this subsection, the term 'capital expenses' is limited to expenditures for noninstructional goods and services such as the purchase, lease and renovation of real and personal property (including but not limited to mobile educational units and leasing of neutral sites or space), insurance and maintenance costs, transportation, and other comparable goods and services.

20 USC 2728.

"SEC. 1018. FISCAL REQUIREMENTS.

"(a) MAINTENANCE OF EFFORT.—

"(1) Except as provided in paragraph (2), a local educational agency may receive funds under this chapter for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(2) The State educational agency shall reduce the amount of the allocation of funds under this chapter in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of paragraph (1) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) Each State educational agency may waive, for 1 fiscal year only, the requirements of this subsection if the State educational agency determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency.

"(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT REGULAR NON-FEDERAL FUNDS.—A State educational agency or other State agency in operating its State level programs or a local educational agency may use funds received under this chapter only so as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this chapter and in no case may such funds be so used as to supplant such funds from such non-Federal sources. In order to demonstrate compliance with this subsection, no State educational agency, other State agency, or local educational agency shall be required to provide services under this chapter through use of a particular instructional method or in a particular instructional setting.

"(c) COMPARABILITY OF SERVICES.—

"(1) A local educational agency may receive funds under this chapter only if State and local funds will be used in the district of such agency to provide services in project areas which, taken as a whole, are at least comparable to services being provided in areas in such district which are not receiving funds under this chapter. Where all school attendance areas in the district of the agency are designated as project areas, the agency may receive such funds only if State and local funds are used to provide services which, taken as a whole, are substantially comparable in each project area.

"(2)(A) A local educational agency shall be considered to have met the requirements of paragraph (1) if it has filed with the State educational agency a written assurance that it has established and implemented—

"(i) a districtwide salary schedule;

"(ii) a policy to ensure equivalence among schools in teachers, administrators, and auxiliary personnel; and

"(iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

"(B) Unpredictable changes in student enrollment or personnel assignments which occur after the beginning of a school year shall not be included as a factor in determining comparability of services.

"(3) Each educational agency shall develop procedures for compliance with the provisions of this subsection, and shall annually maintain records documenting compliance. Each State educational agency shall monitor the compliance of local educational agencies within the States with respect to the requirements of this subsection. Records

"(4) Each local educational agency with not more than 1 building for each grade span shall not be subject to the provisions of this subsection.

"(5) Each local educational agency which is found to be out of compliance with this subsection shall be subject to withholding

or repayment of funds only to the amount or percentage by which the local educational agency has failed to comply.

Disadvantaged persons.

"(d) EXCLUSION OF SPECIAL STATE AND LOCAL PROGRAM FUNDS.—

"(1)(A) For the purposes of determining compliance with the requirements of subsections (b) and (c), a local educational agency or a State agency operating a program under part D of this chapter may exclude State and local funds expended for carrying out special programs to meet the educational needs of educationally deprived children including compensatory education for educationally deprived children after prior determination pursuant to paragraphs (3) and (4) of this subsection that such programs meet the requirements of subparagraph (B).

"(B) A State or local program meets the requirements of this subparagraph if it is similar to programs assisted under this part. The Secretary shall consider a State or local program to be similar to programs assisted under this part if—

"(i) all children participating in the program are educationally deprived,

"(ii) the program is based on similar performance objectives related to educational achievement and is evaluated in a manner consistent with those performance objectives,

"(iii) the program provides supplementary services designed to meet the special educational needs of the children who are participating,

Records.

"(iv) the local educational agency keeps such records and affords such access thereto as are necessary to assure the correctness and verification of the requirements of this subparagraph, and

"(v) the State educational agency monitors performance under the program to assure that the requirements of this subparagraph are met.

"(2)(A) For the purpose of determining compliance with the requirements of subsection (c), a local educational agency may exclude State and local funds expended for—

Minorities.

"(i) bilingual education for children of limited English proficiency,

Handicapped persons.

"(ii) special education for handicapped children, and

"(iii) certain State phase-in programs as described in subparagraph (B).

"(B) A State education program which is being phased into full operation meets the requirements of this subparagraph if the Secretary is satisfied that—

"(i) the program is authorized and governed specifically by the provisions of State law;

"(ii) the purpose of the program is to provide for the comprehensive and systematic restructuring of the total educational environment at the level of the individual school;

"(iii) the program is based on objectives, including but not limited to, performance objectives related to educational achievement and is evaluated in a manner consistent with those objectives;

"(iv) parents and school staff are involved in comprehensive planning, implementation, and evaluation of the program;

"(v) the program will benefit all children in a particular school or grade-span within a school;

"(vi) schools participating in a program describe, in a school level plan, program strategies for meeting the special educational needs of educationally deprived children;

"(vii) at all times during such phase-in period at least 50 percent of the schools participating in the program are the schools serving project areas which have the greatest number or concentrations of educationally deprived children or children from low-income families;

"(viii) State funds made available for the phase-in program will supplement, and not supplant, State and local funds which would, in the absence of the phase-in program, have been provided for schools participating in such program;

"(ix) the local educational agency is separately accountable, for purposes of compliance with the clauses of this subparagraph, to the State educational agency for any funds expended for such program; and

"(x) the local educational agencies carrying out the program are complying with the clauses of this subparagraph and the State educational agency is complying with applicable provisions of this paragraph.

"(3) The Secretary shall make an advance determination of whether or not a State program meets the requirements of this subsection. The Secretary shall require each State educational agency to submit the provisions of State law together with implementing rules, regulations, orders, guidelines, and interpretations which are necessary for an advance determination. The Secretary's determination shall be in writing and shall include the reasons for the determination. Whenever there is any material change in pertinent State law affecting the program, the State educational agency shall submit such changes to the Secretary.

"(4) The State educational agency shall make an advance determination of whether or not a local program meets the requirements of this subsection. The State educational agency shall require each local educational agency to submit the provisions of local law, together with implementing rules, regulations, guidelines, and interpretations which are necessary to make such an advance determination. The State educational agency's determination shall be in writing and shall include the reasons for the determination. Whenever there is any material change in pertinent local law affecting the program, the local educational agency shall submit such changes to the State educational agency.

"SEC. 1019. EVALUATIONS. 20 USC 2729

"(a) LOCAL EVALUATION.—Each local educational agency shall—

"(1) evaluate the effectiveness of programs assisted under this part, in accordance with national standards developed according to section 1435, at least once every 3 years (using objective measurement of individual student achievement in basic skills and more advanced skills, aggregated for the local educational agency as a whole) as an indicator of the impact of the program;

"(2) submit such evaluation results to the State educational agency at least once during each 3-year application cycle,

"(3) determine whether improved performance under paragraph (1) is sustained over a period of more than one program year.

"(b) STATE EVALUATIONS.—In accordance with national standards, each State educational agency shall—

Public information.

"(1) conduct an evaluation (based on local evaluation data collected under subsection (a) and sections 1107(b), 1202(a)(6), and 1242(d)) of the programs assisted under this chapter at least every 2 years, submit that evaluation to the Secretary and make public the results of that evaluation;

"(2) inform local educational agencies, in advance, of the specific evaluation data that will be needed and how it may be collected; and

Handicapped persons.

"(3) collect data on the race, age, gender, and number of children with handicapping conditions served by the programs assisted under this chapter and on the number of children served by grade-level under the programs assisted under this chapter and annually submit such data to the Secretary.

"(c) SPECIAL CONDITION.—Projects funded under this part that serve only preschool, kindergarten, or first grade students or students in such grade levels who are included in projects serving children above such grade levels shall not be subject to the requirements of subsection (a).

20 USC 2730.

"SEC. 1020. STATE EDUCATIONAL PROGRAM IMPROVEMENT PLAN.

"(a) PLAN REQUIREMENTS.—A State educational agency which receives funds under part A, part C, and part E of this chapter shall develop, in consultation with a committee of practitioners constituted pursuant to section 1451(b) of this chapter, a plan to ensure implementation of the provisions of this section and section 1021. Each such plan shall contain, but shall not be limited to—

"(1) the objective measures and standards the State educational agency and other agencies receiving funds under part A, part C, and part E of this chapter will use to assess aggregate performance pursuant to section 1021, and may include implementation of section 1019;

"(2) the means the State educational agency will use to develop joint plans with local educational agencies which have identified, pursuant to section 1021(b), schools in need of program improvement to attain satisfactory student progress, the timetable for developing and implementing such plans (within parameters defined pursuant to section 1431) and the program improvement assistance that will be provided to such schools pursuant to section 1021. Such program improvement assistance may include, but shall not be limited to, training and retraining of personnel, development of curricula that has shown promise in similar schools, replication of promising practices in effective schools models, improving coordination between programs assisted under this chapter and the regular school program, and the development of innovative strategies to enhance parental involvement.

"(b) DISSEMINATION AND AVAILABILITY OF PLAN.—(1) The State educational agency shall disseminate the plan developed under this subsection to all local educational agencies and other State agencies receiving funds under this chapter.

"(2) The State educational program improvement plan shall be available at the State educational agency for inspection by the

Secretary and may be amended by the State educational agency after consultation with a committee of practitioners when necessary.

"(c) AVAILABILITY OF FUNDS.—In any fiscal year for which appropriations are made pursuant to section 1405, the State educational agency shall fully implement the program improvement activities described in sections 1020 and 1021. In any fiscal year for which appropriations are not made, the State educational agency shall conduct, at a minimum, the activities required under section 1021(d), and other program improvement activities to the extent practicable.

"SEC. 1021. PROGRAM IMPROVEMENT. 20 USC 2731

"(a) LOCAL REVIEW.—Each local educational agency shall—

"(1) conduct an annual review of the program's effectiveness in improving student performance for which purpose the local educational agency shall use outcomes developed pursuant to section 1012 and subsection (b) of this section, and make the results of such review available to teachers, parents of participating children, and other appropriate parties;

"(2) determine whether improved performance under paragraph (1) is sustained over a period of more than one program year;

"(3) use the results of such review and of evaluation pursuant to section 1019 in program improvement efforts required by section 1021(b); and

"(4) annually assess through consultation with parents, the effectiveness of the parental involvement program and determine what action needs to be taken, if any, to increase parental participation.

"(b) SCHOOL PROGRAM IMPROVEMENT.—(1) With respect to each school which does not show substantial progress toward meeting the desired outcomes described in the local educational agency's application under section 1012(a) or shows no improvement or a decline in aggregate performance of children served under this chapter for one school year as assessed by measures developed pursuant to section 1019(a) or subsection (a), pursuant to the program improvement timetable developed under sections 1020 and 1431, the local educational agency shall—

"(A) develop and implement in coordination with such school a plan for program improvement which shall describe how such agency will identify and modify programs funded under this chapter for schools and children pursuant to this section and which shall incorporate those program changes which have the greatest likelihood of improving the performance of educationally disadvantaged children, including—

"(i) a description of educational strategies designed to achieve the stated program outcomes or to otherwise improve the performance and meet the needs of eligible children; and

"(ii) a description of the resources, and how such resources will be applied, to carry out the strategies selected, including, as appropriate, qualified personnel, inservice training, curriculum materials, equipment, and physical facilities; and, where appropriate—

"(I) technical assistance;

"(II) alternative curriculum that has shown promise in similar schools;

"(III) improving coordination between part A and part C of this chapter and the regular school program;

"(IV) evaluation of parent involvement;

"(V) appropriate inservice training for staff paid with funds under this chapter and other staff who teach children served under this chapter; and

"(VI) other measures selected by the local educational agency; and

"(B) submit the plan to the local school board and the State educational agency, and make it available to parents of children served under this chapter in that school.

"(2) A school which has 10 or fewer students served during an entire program year shall not be subject to the requirements of this subsection.

"(c) DISCRETIONARY ASSISTANCE.—The local educational agency may apply to the State educational agency for program improvement assistance funds authorized under section 1405.

"(d) STATE ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES.—(1) If after the locally developed program improvement plan shall have been in effect according to the timetable established under sections 1020 and 1431, the aggregate performance of children served under this chapter in a school does not meet the standards stated in subsections (a) and (b), the local educational agency shall, with the State educational agency, and in consultation with school staff and parents of participating children, develop and implement a joint plan for program improvement in that school until improved performance is sustained over a period of more than 1 year.

"(2) The State educational agency shall ensure that program improvement assistance is provided to each school identified under paragraph (1).

"(e) LOCAL CONDITIONS.—The local educational agency and the State educational agency, in performing their responsibilities under this section, shall take into consideration—

"(1) the mobility of the student population,

"(2) the extent of educational deprivation among program participants which may negatively affect improvement efforts,

"(3) the difficulties involved in dealing with older children in secondary school programs funded under this chapter,

"(4) whether indicators other than improved achievement demonstrate the positive effects on participating children of the activities funded under this chapter, and

"(5) whether a change in the review cycle pursuant to section 1019 or 1021(a)(1) or in the measurement instrument used or other measure-related phenomena has rendered results invalid or unreliable for that particular year.

"(f) STUDENT PROGRAM IMPROVEMENT.—On the basis of the evaluations and reviews under sections 1019(a)(1) and 1021(a)(1), each local educational agency shall—

"(1) identify students who have been served for a program year and have not met the standards stated in subsections (a) and (b),

"(2) consider modifications in the program offered to better serve students so identified, and

"(3) conduct a thorough assessment of the educational needs of students who remain in the program after 2 consecutive years of participation and have not met the standards stated in subsection (a).

"(g) PROGRAM IMPROVEMENT ASSISTANCE.—In carrying out the program improvement and student improvement activities required in subsections (a), (b), (c), and (d), local educational agencies and State educational agencies shall utilize the resources of the regional technical assistance centers and appropriate regional rural assistance programs established by section 1456 to the full extent such resources are available.

"(h) FURTHER ACTION.—If the State educational agency finds that, consistent with the program improvement timetable established under sections 1020 and 1431, after one year under the joint plan developed pursuant to subsection (d), including services in accordance with section 1017, a school which continues to fall below the standards for improvement stated in subsections (a) and (b) with regard to the aggregate performance of children served under part A, part C, and part E of this chapter, the State educational agency shall, with the local educational agency, review the joint plan and make revisions which are designed to improve performance, and continue to do so each consecutive year until such performance is sustained over a period of more than one year. Nothing in this section or section 1020 shall be construed to give the State any authority concerning the educational program of a local educational agency that does not otherwise exist under State law.

"(i) MUTUAL AGREEMENT.—Before any joint plan may be implemented under subsection (d) and subsection (h) both the local educational agency and State educational agency must approve such plan.

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